

IN THE COURT OF COMMON PLEAS
MEDINA COUNTY, OHIO

COMMON PLEAS COURT

2016 NOV 15 PM 2:18

BONNIE ARNOLD

Appellant,

vs.

OHIO BUREAU OF MOTOR
VEHICLES.

Appellee.

CASE NO.: 16CIV0295

JUDGE CHRISTOPHER J. COLLIER

JOURNAL ENTRY WITH
INSTRUCTIONS FOR SERVICE

FILED
DAVID B. WAUSWORTH
MEDINA COUNTY
CLERK OF COURTS

Upon careful independent review of the Magistrate's Decision of October 31, 2016 the Court finds there is no error of law or other defect on the face of the Magistrate's Decision. No objections having been filed, the Court, on its own judgment, hereby adopts and affirms the Magistrate's Decision in full.

The suspension Order of the Registrar of the Ohio Bureau of Motor Vehicles is supported by reliable, probative, and substantial evidence and is in accordance with law. The Order of the Registrar of the Ohio Bureau of Motor Vehicles is affirmed in full.

Costs are assessed to the Appellant.

IT IS SO ORDERED.

CHRISTOPHER J. COLLIER
JUDGE

The Clerk of Courts is instructed to send copies of the foregoing Journal Entry to the following:

Atty. Jamison
Bonnie Arnold

Copies of this Entry were mailed by the Clerk of Courts on 11-17-16.

Christy Jamison
DEPUTY CLERK OF COURT

IN THE COURT OF COMMON PLEAS
MEDINA COUNTY, OHIO

COMMON PLEAS COURT
2016 OCT 31 AM 9:09

FILED
DAVID B WADSWORTH
MEDINA COUNTY
CLERK OF COURTS

BONNIE ARNOLD)	CASE NO.: 16 CIV 0295
)	
Appellant)	
)	JUDGE COLLIER
vs.)	
)	MAGISTRATE LEAVER
OHIO BUREAU OF MOTOR VEHICLES)	
)	
Appellee.)	<u>MAGISTRATE'S DECISION WITH</u>
)	<u>INSTRUCTIONS FOR SERVICE</u>

This matter came before the Court on October 27, 2016 for oral argument on the Appellant's timely appeal from a decision of the Ohio Bureau of Motor Vehicles pursuant to R.C. 119.12. The Appellant appeared pro-se. The Appellee was represented by Assistant Attorney General Peter Jamison.

A record of the proceedings before the agency has been properly filed. The Appellee filed a motion to strike Appellant's Exhibit A on the grounds that the document was not part of the record as certified by the agency and the document was not newly discovered evidence. The motion is granted. Appellant's Exhibit A shall not be considered.

Upon Consideration of the record of the proceedings before the agency and the arguments of the parties, the Magistrate finds as follows:

FINDINGS OF FACT

The Appellant loaned her car to a friend. The car was involved in a traffic crash. The Appellant submitted a claim to her insurer, State Farm. State Farm also insured one of the other vehicles involved in the crash. Unknown to the Appellant, State Farm had cancelled the Appellant's automobile insurance policy for non-payment. State Farm subsequently notified the

Bureau of Motor Vehicles the Appellant was uninsured and there were unresolved damages as a result of the crash. Consequently, the Bureau of Motor Vehicles caused the Appellant's operator's license to be subject to a non-compliance and security suspension.

The Appellant requested an administrative hearing regarding the suspensions. The Appellant argued State Farm improperly and illegally cancelled her policy without proper notice. The Registrar of the Ohio Bureau of Motor Vehicles ultimately ordered that a security suspension as well as a non-compliance be imposed upon the Appellant's driver's license. The Appellant timely appealed to this Court.

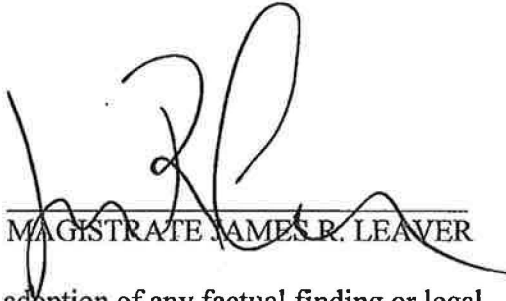
DISCUSSION AND CONCLUSIONS OF LAW

The Appellant is arguing the insurer terminated her coverage wrongfully and without proper notice to her. Whether done properly or improperly, the record still shows the Appellant's State Farm insurance policy had been cancelled by State Farm at the time of the accident. The function of the Bureau of Motor Vehicles is solely to determine if insurance coverage was in effect. A policy of insurance is a contract between the insurer and the insured. Any dispute between the insured and insurer is collateral to the Bureau's function. The Bureau of Motor Vehicles has no legal standing to dabble in, or attempt to supervise or modify the contractual relationship that exists between an insurer and an insured. The Appellant's remedy is to pursue a cause of action against the insurer directly, not collaterally through an administrative hearing.

Pursuant to R.C. 119.12(M), after consideration of the entire record, the court finds the Order of the Registrar of the Ohio Bureau of Motor Vehicles is supported by reliable, probative

and substantial evidence and is in accordance with law. The Order of the Registrar of the Ohio Bureau of Motor Vehicles shall be affirmed in full.

Costs are assessed to the Appellant.



MAGISTRATE JAMES R. LEAVER

No party shall assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ. R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ. R. 53(D)(3)(b).

The Clerk of Courts is instructed to mail a copy of the foregoing Magistrate's Decision to the following:

Atty. Jamison
Bonnie Arnold

Copies of this Decision were mailed by the Clerk of Courts on 10-31-16.



DEPUTY CLERK